

112 Newcrest Lane
Oak Ridge, TN 37830

January 22, 2000

Ms. Leah Dever
Oak Ridge Operations
Federal Building
Oak Ridge, TN 37831

Dear Ms. Dever:

I am writing to you about my concerns about the manner in which the Oak Ridge Operations office of DOE is handling a proposed development along the Clinch River by Oak Ridge Properties. The development is on land currently owned principally by the Boeing Corporation (the former "Parcel O"). However, as I understand it, when DOE sold the land it enacted a deed restriction preventing residential use. I also understand that the shoreline and floodplain still remain under the control of DOE. Oak Ridge Properties' development plan would allow for residential development, including development immediately adjacent to the shoreline.


I am quite distressed to learn from several sources that ORO did not conduct an Environmental Assessment of the change in allowable land use on the Boeing property, as specified in the deed. Instead, I understand that DOE concluded that the elimination of a land use restriction was an action inherently incapable of causing adverse environmental impacts, and therefore categorically excluded from NEPA review. This conclusion is invalid. The environmental impacts of developing this property would be substantially different under residential land use than under the industrial land use that was originally planned. Residential development of this property would put residents in intimate contact with a property and lakeshore area that may be contaminated by past DOE activities. Consequently, I believe that the action that DOE has taken of releasing this deed restriction without an Environmental Assessment is in violation of the National Environmental Policy Act.

I also have been informed that DOE is considering transferring the lakeshore and floodplain property that it currently controls to Oak Ridge Properties, assuming the successful completion of an environmental review of the transfer. The Tennessee Valley Authority would retain a floodplain easement and perhaps be forced to deal with some of the potential human contamination issues or restricting access to the river front property. In light of the fact that a 1992 aerial survey of the property indicated contamination of the floodplain of this tract—apparently with radioactive Cesium—I think that a thorough and closely supervised Environmental Assessment of this action is needed. If the Boeing property is developed and future residents could potentially be exposed to a health hazard, surely the DOE has an obligation to fully evaluate this hazard prior to taking actions that would encourage residential development. This obligation appears especially strong in light of the fact that past upstream DOE activities are certainly the major cause of this contamination, as the property is just

downstream from White Oak Creek, which drains the area surrounding Oak Ridge National Laboratory.

Finally, and perhaps most distressing, there has been no scheduled public hearing on DOE's actions in this matter. Nor has there been public disclosure to date as to the already completed removal of the deed restriction or of the plans for transfer of the floodplain and shoreline to Oak Ridge Properties. Taking these actions without a public hearing and without a serious evaluation of the potential health hazard seems to be in direct conflict with earlier pledges made by yourself and ORO to involve the public more completely in DOE decisions that directly affect people's lives. I also think that this approach to this property transfer sets a bad precedent with regard to DOE's taking a responsible approach to shielding the public from potential health problems.

Sincerely,



J. Devereux Joslin

Cc: Kathryn Jackson, Executive Vice-President
River Systems Operations & Environment
Tennessee Valley Authority
Carol Borgstrom,
Office of NEPA Policy and Assistance
Department of Energy
Local Oversight Committee for DOE Oak Ridge Operations